

File No. 26014

Baltimore, February 17, 1920.

Mr. Peter E. Tome,  
City Comptroller.

Dear Sir:

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Mr. Collier presented to me the letter of Mr. George A. Solter under date of February 6th, 1920, bearing upon the right of Mr. Bernhard Faistenhamer to pass through Belair Market during market hours. This is not the first time that this matter has been brought to the attention of my office. About a week ago, Mr. Johnson appeared at the Traffic Court with Mr. Wilkinson, of the Belair Market, for the purpose of conducting an investigation as to the use by Mr. Faistenhamer of that portion of Forrest Street in front of his premises, and included within the limits of Belair Market, by his teams during market hours. It seems that Mr. Faistenhamer was not arrested, but was simply summoned before the Court to show cause why he should not be charged with violating the City Market Ordinance. After a consultation between Mr. Johnson, Mr. Solter, Mr. Faistenhamer and Mr. Wilkinson, Mr. Faistenhamer agreed not to drive his teams through Forrest Street at Belair Market during hours, and Mr. Solter stated that he would take the matter up with the City Comptroller for the purpose of working out some practical adjustment of Mr. Faistenhamer's difficulties. I take it that his letter of the 6th was written pursuant to this conference. The questions presented in this case have been before the Court of Appeals in the case of State vs. Burkett, 119 Md. 609. In this case Burkett was indicted for obstructing a stall and stand on Eutaw Street in front of Brager's Store by placing a wagon and cart within the lines of the stall and refusing to remove the same upon the order of the Assistant Market Master at Lexington Market. It was held by the Court of Appeals that this space was clearly within the limits of the Market, and, in passing upon the subject, the Court held that the City had a clear right, in the exercise of the police power, delegated to it by the Legislature, to erect market stalls on Eutaw Street within the limits of Lexington Market, and to